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Docket No.: A4072.0044/P044
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Subhas C. Kundu, et al.

Application No.: 10/621,316

Confirmation No.: 2537

Filed: July 18, 2003

Art Unit: 1615

For: STORAGE STABLE ANTIHISTAMINIC
SYRUP FORMULATIONS

Examiner: David L. Vanik

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement set forth in the Office Action mailed March 21, 2005 (Paper No. Mail Date 03082005), Applicants hereby provisionally elect Group I, Claims 1-16, Species (a) antihistamine with traverse. The Applicants maintain that at least claims 1-16 are readable on the elected species. However, Applicants provisionally elect claims 1-6 and 9-16 for examination with traverse.

REMARKS

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). M.P.E.P. § 803, however, directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed in this case.